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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,947	08/04/2003	Paul Renton	OM-03-01	5200
27408	7590	01/09/2008		
DAVID L. TINGEY LAW OFFICE OF DAVID L. TINGEY 15 SOUTH GRADY WAY, SUITE 336 RENTON, WA 98057			EXAMINER TRAN, QUOC DUC	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			01/09/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/633,947

**Applicant(s)**

RENTON ET AL.

**Examiner**

Quoc D. Tran

**Art Unit**

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed 10/31/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the amendment to the specification to add the features *“in its same data format as received” and “in the same data format as received through the input network interface”* are neither supported nor suggested or inherently suggested in applicant originally filed specification or drawings.

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 45-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The features of these claims were taken directly from applicant amended specification that was objected as being introducing new matter into the disclosure. Therefore, the claimed features are not disclosed in the originally filed specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said transmission protocol" in line 19. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-8 and 10-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Herbert (5,333,183).

Consider claim 1, Herbert teaches a telephone data collection device adapted to collect data from a telephone system having a data transmission interface through which data may be transmitted in an input protocol (col. 4 lines 44-47), said device comprising: a computer including a processor, program memory and data memory, data communication input and output interfaces connected to said processor, the input and output interfaces comprising ***a LAN, a WAN and/or Internet network interface (col. 5 lines 9-47; col. 6 lines 47-60; col. 7 lines 9-15; col. 31 lines 44-48; it should be also noted that collector 7 and manager 6 and administrator processor 8 are communicated via link 16 and are not a part of the telephone system (PSTN). Therefore, collector 7 and manager 8 are Local Area Network***), a software

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program loaded into program memory read and executed by the processor in implementing a network compatible data communication protocol for the network interface for data transfer to the computer through the network interface, said software program also transferring data received through the input interface to the data memory or to the output interface, said software program further implementing a transmission protocol in program memory enabling transmission of data stored in said data memory through said output interface (col. 12 lines 48-67), wherein said computer receives data from a telephone system through the network input interface employing a network protocol, buffers the data in data memory, and transmits said data to a host through the output interface in said transmission protocol, the output interface and transmission protocol compatible with the host, converting said data received in one protocol to data transmitted in another protocol, as necessary, therein establishing data communication between the telephone system and the host (col. 4 lines 44-57; col. 5 line 51 – col. 6 line 46) .

Consider claims 3-8, 10-11, 18-20, 24 Herbert teaches the claimed features (i.e., interfaces and software) (col. 5 lines 52-55; col. 7 line 33 – col. 10 line 27; col. 30 lines 33-46).

Consider claims 12-15, Herbert teaches the claimed features (col. 5 line 67 – col. 6 line 5).

Consider claims 16-17, 22, 31-33, Herbert et al teach the claimed features (col. 6 lines 15-46; col. 7 lines 16-32).

Consider claim 21, Herbert teaches the telephone data collection device further comprising one network interface connectable to a host and another independent network interface connectable to a PBX therein separating said one network that may experience routing or network operational difficulties from said other network and any routing or network

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operational difficulties that might be attendant to that network, enabling said one network to continue to collect data from a PBX via the first network interface and network while the other network interface and network that is used to transfer data to the host is not operational (col. 6 line 61 – col. 7 line 8).

Consider claim 23, Herbert teaches wherein said output interface comprises a second network interface connectable to an associated network connection; a telephone line interface, and a transmitting serial interface and wherein the collected data is transferred to at least one host through at least one of said second network interface and its associated network connection, said telephone line interface, or said transmitting serial interface (col. 5 lines 52-55; col. 7 line 33 – col. 10 line 27; col. 30 lines 33-46).

Consider claims 25-30, 34-37, Herbert teaches the claimed features (col. 5 lines 49-66; col. 8 lines 14-19; col. 18 lines 36-56).

Consider claims 38-44, Herbert teaching read on the claimed features (col. 2 line 66 – col. 3 line 2; col. 7 line 60 – col. 8 line 2).

### ***Response to Arguments***

8. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

Regarding applicant argument that networks disclosed in Herbert disclosure are not equivalent to applicant's claimed LAN, WAN or Internet. Accordingly, the examiner respectfully disagrees with applicant argument. A Local Area Network (LAN) is any data communications system lies within a limited spatial area. Herbert disclosed of a data network having a data collector, a manager and administrator processor and interfaces connected thereto

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for receiving call detail record from the telephone network. The data network is implemented to connect to the telephone to perform the data collection function. Thus, the data network is a LAN since it being implemented to collected call data within a specific area. Furthermore, Herbert also disclosed of the collector 7 sending reports, alarm and messages using defined protocol carried on the LAN (see col. 31 lines 44-48). Therefore, Herbert clearly read on the limitations as claimed.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

**(571) 273-8300**

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Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

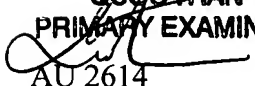
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**QUOC TRAN**  
**PRIMARY EXAMINER**

  
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December 27, 2007